

Introduced by Senator Schiff

(Principal coauthor: Assembly Member Goldsmith)

February 28, 1997

An act to amend Sections 601, 650, and 661 of, and to add Section 213.2 to, the Welfare and Institutions Code, relating to juvenile court law.

LEGISLATIVE COUNSEL'S DIGEST

SB 1279, as introduced, Schiff. Minors.

Existing law makes any willful disobedience or interference with any lawful order of the juvenile court a contempt of the court.

This bill would specify that a minor who is adjudged a ward of the court because of disobedience or truancy who is found in contempt of court may be punished by being held in a secure facility during nonschool hours if specified conditions are complied with.

Existing law authorizes a juvenile court, upon receiving a petition from a probation officer or the district attorney, to adjudge a minor under 18 years of age a ward of the court if the minor is habitually disobedient or truant, as specified (so called "status offenders"). Existing law authorizes the juvenile court to issue a citation directing a parent, guardian, or foster parent of a minor to appear at a court hearing concerning the minor.

This bill would also authorize the court to adjudge a minor a ward of the court under the provisions relating to status offenders if the minor is a member or associated with any criminal street gang, as specified. The bill would authorize the

parent or guardian of a minor to file a petition in juvenile court, after consultation with a probation officer, requesting that a minor be adjudged a ward of the court. The bill would require the juvenile court to issue citations to parents, guardians, and foster parents of a minor to appear at court hearings concerning the minor. This bill would impose a state-mandated local program because it would impose new duties on the juvenile justice system similar to those imposed by the creation of a crime as well as imposing additional duties on local officials and court personnel.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 213.2 is added to the Welfare and
2 Institutions Code, to read:
3 213.2. A minor who is adjudged a ward of the court
4 pursuant to Section 601 who is found in contempt of the
5 court for violation of a court order may be punished by
6 being held in a secure facility during nonschool hours if
7 (1) the minor is given sufficient notice to comply with the
8 order and understands its provisions, (2) the violation of
9 the court order is egregious, (3) less restrictive
10 alternatives were considered and found to be ineffective,



1 and (4) the minor is held in a secure facility where the
2 minor is not permitted to come or remain in contact with
3 a minor detained pursuant to Section 602 or with an adult
4 who is confined because of criminal conduct.

5 SEC. 2. Section 601 of the Welfare and Institutions
6 Code is amended to read:

7 601. (a) Any person under the age of 18 years who
8 persistently or habitually refuses to obey the reasonable
9 and proper orders or directions of his or her parents,
10 guardian, or custodian, or who is beyond the control of
11 that person, or who is under the age of 18 years when he
12 or she violated any ordinance of any city or county of this
13 state establishing a curfew based solely on age, *or who is*
14 *a member of or associated with any criminal street gang,*
15 *as defined in Section 186.22 of the Penal Code,* is within
16 the jurisdiction of the juvenile court which may adjudge
17 the minor to be a ward of the court.

18 (b) If a minor has four or more trancies within one
19 school year as defined in Section 48260 of the Education
20 Code or a school attendance review board or probation
21 officer determines that the available public and private
22 services are insufficient or inappropriate to correct the
23 habitual truancy of the minor, or to correct the minor's
24 persistent or habitual refusal to obey the reasonable and
25 proper orders or directions of school authorities, or if the
26 minor fails to respond to directives of a school attendance
27 review board or probation officer or to services provided,
28 the minor is then within the jurisdiction of the juvenile
29 court which may adjudge the minor to be a ward of the
30 court. However, it is the intent of the Legislature that no
31 minor who is adjudged a ward of the court pursuant solely
32 to this subdivision shall be removed from the custody of
33 the parent or guardian except during school hours.

34 (c) To the extent practically feasible, a minor who is
35 adjudged a ward of the court pursuant to this section shall
36 not be permitted to come into or remain in contact with
37 any minor ordered to participate in a truancy program,
38 or the equivalent thereof, pursuant to Section 602.

1 (d) Any peace officer or school administrator may
2 issue a notice to appear to a minor who is within the
3 jurisdiction of the juvenile court pursuant to this section.

4 SEC. 3. Section 650 of the Welfare and Institutions
5 Code is amended to read:

6 650. (a) Juvenile court proceedings to declare a
7 minor a ward of the court pursuant to Section 601 are
8 commenced by the filing of a petition by the probation
9 officer *or the minor's parent or guardian after*
10 *consultation with the probation officer,* except as
11 specified in subdivision (b).

12 (b) Juvenile court proceedings to declare a minor a
13 ward of the court pursuant to subdivision (e) of Section
14 601.3 may be commenced by the filing of a petition by the
15 probation officer or the district attorney after
16 consultation with the probation officer.

17 (c) Juvenile court proceedings to declare a minor a
18 ward of the court pursuant to Section 602 are commenced
19 by the filing of a petition by the prosecuting attorney.

20 SEC. 4. Section 661 of the Welfare and Institutions
21 Code is amended to read:

22 661. In addition to the notice provided in Sections 658
23 and 659, the juvenile court ~~may~~ *shall* issue its citation
24 directing any parent, guardian, or foster parent of the
25 person concerning whom a petition has been filed to
26 appear at the time and place set for any hearing or
27 financial evaluation under the provisions of this chapter,
28 including a hearing under the provisions of Section 257,
29 and directing any person having custody or control of the
30 minor concerning whom the petition has been filed to
31 bring the minor with him or her. The notice shall in
32 addition state that a parent, guardian, or foster parent
33 may be required to participate in a counseling or
34 education program with the minor concerning whom the
35 petition has been filed. If the proceeding is one alleging
36 that the minor comes within the provisions of Section 601,
37 the notice shall in addition contain notice to the parent,
38 guardian, or other person having control or charge of the
39 minor that failure to comply with the compulsory school
40 attendance laws is an infraction, which may be charged

1 and prosecuted before the juvenile court judge sitting as
2 a municipal court judge. In those cases, the notice shall
3 also include notice that the parent, guardian, or other
4 person having control or charge of the minor has the right
5 to a hearing on the infraction before a judge different
6 than the judge who has heard or is to hear the proceeding
7 pursuant to Section 601. The notice shall explain the
8 provisions of Section 170.6 of the Code of Civil Procedure.
9 Personal service of the citation shall be made at least 24
10 hours before the time stated therein for the appearance.

11 SEC. 5. No reimbursement is required by this act
12 pursuant to Section 6 of Article XIII B of the California
13 Constitution for certain costs that may be incurred by a
14 local agency or school district because in that regard this
15 act creates a new crime or infraction, eliminates a crime
16 or infraction, or changes the penalty for a crime or
17 infraction, within the meaning of Section 17556 of the
18 Government Code, or changes the definition of a crime
19 within the meaning of Section 6 of Article XIII B of the
20 California Constitution.

21 However, notwithstanding Section 17610 of the
22 Government Code, if the Commission on State Mandates
23 determines that this act contains other costs mandated by
24 the state, reimbursement to local agencies and school
25 districts for those costs shall be made pursuant to Part 7
26 (commencing with Section 17500) of Division 4 of Title
27 2 of the Government Code. If the statewide cost of the
28 claim for reimbursement does not exceed one million
29 dollars (\$1,000,000), reimbursement shall be made from
30 the State Mandates Claims Fund.

31 Notwithstanding Section 17580 of the Government
32 Code, unless otherwise specified, the provisions of this act
33 shall become operative on the same date that the act
34 takes effect pursuant to the California Constitution.

